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By: **Delegates Mandel, Benson, G. Clagett, Elliott, Franchot, Goldwater,  
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Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses - Suspension, Revocation, or Refusal for**  
3 **Epilepsy**

4 FOR the purpose of repealing certain provisions relating to the suspension or  
5 revocation of, or refusal to issue or renew, an individual's driver's license  
6 because the individual's driving may be adversely affected by the individual's  
7 epilepsy; and generally relating to the suspension, revocation, or refusal of  
8 drivers' licenses.

9 BY repealing and reenacting, with amendments,

- 10 Article - Transportation
- 11 Section 16-208
- 12 Annotated Code of Maryland
- 13 (2002 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Transportation**

17 16-208.

18 (a) (1) Except as provided in paragraph (2) of this subsection, § 16-206(a)(4)  
19 and (c) of this subtitle, and § 16-404(c)(2) and (3) of this title, the Administration may  
20 not suspend a license or privilege to drive for a period of more than 1 year.

21 (2) [Subject to the provisions of paragraph (3) of this subsection, after]  
22 AFTER notice and hearing, the Administration may suspend for an indefinite period  
23 the license or privilege of any individual who cannot drive safely because of his  
24 physical or mental condition.

25 (3) [If the Administration suspends or revokes a license of an individual  
26 based upon evaluation of competent medical evidence that the individual's driving  
27 may be adversely affected by the individual's epilepsy, the period of suspension or

1 revocation may not exceed 90 days unless the individual experiences a seizure within  
2 90 days after the period of suspension or revocation begins.

3 (4) If the Administration refuses to issue or renew the license of an  
4 individual based upon evaluation of competent medical evidence that the individual's  
5 driving may be adversely affected by the individual's epilepsy, the period of the  
6 refusal to issue or renew the license may not exceed 90 days unless the individual  
7 experiences a seizure within 90 days after the refusal to issue or renew the license.

8 (5) After the period of suspension, revocation, or refusal to issue or  
9 renew a license under paragraph (3) or (4) of this subsection, and if an individual is  
10 otherwise eligible, the Administration:

11 (i) Shall immediately issue to the individual a noncommercial  
12 Class C or Class M license;

13 (ii) Subject to the provisions of paragraph (6) of this subsection,  
14 may, upon request, immediately issue to the individual a license other than a  
15 noncommercial Class C or Class M license; and

16 (iii) Subject to the provisions of paragraph (6) of this subsection,  
17 shall, upon request, issue to the individual a license other than a noncommercial  
18 Class C or Class M license after a period not to exceed nine months.

19 (6) Before the Administration issues a license to an individual under  
20 paragraph (5)(i) or (ii) of this subsection, the Administration may:

21 (i) Require the individual to be tested; and

22 (ii) Restrict the license issued to the individual after the individual  
23 becomes eligible to drive following a period of suspension, revocation, or refusal to  
24 issue or renew a license under paragraph (3) or (4) of this subsection by:

25 1. Designating the specific class of commercial or  
26 noncommercial license to be issued to the individual;

27 2. Designating the endorsements permitted on the  
28 individual's license; and

29 3. Imposing any other restriction authorized under § 16-113  
30 of this title.

31 (7) The Administration shall adopt regulations to administer the  
32 provisions of paragraphs (3) through (6) of this subsection.

33 (8) This subsection does not apply to or affect the suspension of any  
34 license:

35 (i) For failure to comply with the required security provisions of  
36 Title 17 of this article;

- 1 (ii) For failure to appear at a hearing as provided in Title 12,  
2 Subtitle 2 of this article;
- 3 (iii) For failure to obey a citation, as provided in Title 26 of this  
4 article;
- 5 (iv) For failure to pay a fine in accordance with the court's directive  
6 as provided in Title 27 of this article; or
- 7 (v) For failure to pay child support, as provided in § 16-203 of this  
8 title.
- 9 (b) (1) Any individual whose license or privilege to drive has been revoked  
10 may apply for reinstatement of the individual's license or privilege as provided in this  
11 subsection.
- 12 (2) (i) If it is the individual's first revocation, the individual may file a  
13 reinstatement application at any time after the day the revoked license is  
14 surrendered to and received by the Administration or, in the case of an individual who  
15 does not have a license issued under this title, after the effective date of the  
16 revocation.
- 17 (ii) Except as provided in paragraph (6) of this subsection, on  
18 receipt of the application, the Administration may reinstate the license or privilege 6  
19 months after the revoked license is received by the Administration or, in the case of  
20 an individual who does not have a license issued under this title, 6 months after the  
21 effective date of revocation.
- 22 (3) (i) If it is the individual's second revocation, the individual may file  
23 a reinstatement application at any time after 1 year from the day the revoked license  
24 is surrendered to and received by the Administration or, in the case of an individual  
25 who does not have a license issued under this title, after 1 year from the effective date  
26 of revocation.
- 27 (ii) Except as provided in paragraph (6) of this subsection, on  
28 receipt of the application, the Administration may reinstate the license or privilege.
- 29 (4) (i) If it is the individual's third revocation, the individual may file  
30 a reinstatement application at any time after 18 months from the day the revoked  
31 license is surrendered to and received by the Administration or, in the case of an  
32 individual who does not have a license issued under this title, after 18 months from  
33 the effective date of revocation.
- 34 (ii) Except as provided in paragraph (6) of this subsection, on  
35 receipt of the application, the Administration may reinstate the license or privilege.
- 36 (5) (i) If it is the individual's fourth or subsequent revocation, the  
37 individual may file a reinstatement application at any time after 2 years from the day  
38 the revoked license is surrendered to and received by the Administration or, in the

1 case of an individual who does not have a license issued under this title, after 2 years  
2 from the effective date of revocation.

3 (ii) Except as provided in paragraph (6) of this subsection, on  
4 receipt of the application, the Administration may reinstate the license or privilege.

5 (6) (i) The Administration may not reinstate a license or privilege to  
6 drive under this subsection if the license or privilege has been refused, revoked,  
7 suspended, or canceled under any other provision of the Maryland Vehicle Law.

8 (ii) 1. In this subparagraph, "alcohol-related or drug-related  
9 driving incident" means a:

10 A. Conviction or probation before judgment for a violation of  
11 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
12 jurisdiction;

13 B. Refusal to submit to a test under § 16-205.1 of this title or  
14 a substantially similar law of another jurisdiction; or

15 C. Test result that indicates an alcohol concentration of 0.10  
16 or more at the time of testing under § 16-205.1 of this title or a substantially similar  
17 law of another jurisdiction.

18 2. Alcohol-related or drug-related driving incidents  
19 committed at the same time or arising out of the same circumstances may not be  
20 considered separate alcohol-related or drug-related driving incidents for the purpose  
21 of this subparagraph.

22 3. Notwithstanding paragraphs (1) through (5) of this  
23 subsection, the Administration may reinstate a license or privilege to drive only if,  
24 after an investigation of an individual's habits and driving ability, the Administration  
25 is satisfied it will be safe to reinstate the license or privilege of an individual who has  
26 been:

27 A. Involved in any combination of three or more separate  
28 alcohol-related or drug-related driving incidents;

29 B. Involved in a vehicular accident resulting in the death of  
30 another person; or

31 C. Convicted of a violation for failing to stop after a vehicular  
32 accident resulting in bodily injury or death.

33 (7) Except as otherwise provided in this title, before issuing a new  
34 license, the Administration shall require the applicant to submit to the examinations  
35 that it considers appropriate.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 October 1, 2003.

